

SECURITIES AND EXCHANGE  
COMMISSION,

V.

Defendants.

Honorable Nancy L. Maldonado  
Honorable Heather K. McShain

Plaintiff United States Securities and Exchange Commission (“SEC”) and defendants John M. Fife (“Fife”), Chicago Venture Partners, L.P., Iliad Research and Trading, L.P., St. George Investments LLC, Tonaquint, Inc., and Typenex Co-Investment, LLC (collectively, “Defendants,” and, together with the SEC, “the Parties”), through their respective counsel, jointly and respectfully request that this Court enter an order extending the fact discovery deadline from October 16, 2023 to January 15, 2024. In support of their motion, the Parties state as follows:

1. Fact discovery in this case commenced on March 7, 2022. The original deadline for completion of fact discovery was December 16, 2022. (Docket No. 37.) Upon the Parties' joint and agreed motion dated October 25, 2022 (Docket No. 53), this Court extended the fact discovery deadline to June 16, 2023. (Docket No. 59). Subsequently, upon the Parties' joint and

agreed motion dated June 1, 2023 (Docket No. 95), the Court extend the fact discovery deadline to October 16, 2023. (Docket No. 96).

2. The Parties have actively engaged in discovery. Among other things, since the Court granted the Parties' most recent June 2023 motion for an extension of time to complete discovery: (a) the Parties participated in a June 15, 2023 Court hearing (*see* Docket No. 99) on issues raised by the Parties' respective previously-filed motions to compel; (b) on June 15, 2023, the SEC served its responses to Defendants' Fourth Set of Requests for Production and Fourth Set of Interrogatories; (c) on June 20, 2023, the SEC served its responses to Defendants' Third Set of Requests for Admission; (d) on June 22, 2023, the Parties each made productions to the opposing Party in response to the Court's June 15, 2023 rulings; (e) on June 29, 2023, the SEC served its Second Set of Requests for Production and Second Set of Interrogatories on Defendants; (f) on July 7, 2023, Defendants served their Fifth Set of Requests for Production on the SEC; (g) on July 17, 2023, the SEC served its responses to Defendants' Fifth Set of Requests for Production on the SEC; (h) on July 26, 2023, Defendants served their Responses and Objections to the SEC's Second Set of Requests for Production and Second Set of Interrogatories; (i) on August 17, 2023, Defendants served their Sixth Set of Requests for Production on the SEC; (j) on August 21, 2023, the SEC made a production as to Defendants' RFP 54, in response to the Court's June 15, 2023 rulings (k) on August 22, 2023, and August 23, 2023, the Parties participated in depositions in Los Angeles, California, and San Diego, California, respectively, of two third-party individuals whom the SEC asserts were involved in Defendants' convertible debt transactions; and (l) on September 12, 2023, Defendants made a supplemental production to the SEC of responsive brokerage and bank statements.

3. Despite working in good faith to resolve their discovery disputes, the Parties have been unable to reach agreement on certain of these disputes. Accordingly, the Parties recently have filed motions to compel. (*See* Docket No. 117 (Defendants' motion to compel); Docket No. 119 (SEC's motion to compel).

4. The Parties each believe they require additional discovery to obtain important information. As noted above, the Parties are seeking some of this information through their respective recently-filed motions to compel. Additionally, the SEC intends to schedule additional depositions of approximately 2-4 third-party individuals whom the SEC believes were involved in Defendants' convertible debt transactions. The SEC also expects to notice and/or subpoena the depositions of Fife and certain current or former employees of Defendants.

5. In light of ongoing fact discovery and discovery disputes, the ultimate resolution of which may result in the Parties being required to provide additional discovery, the Parties believe a 90-day extension of the fact discovery deadline, until January 15, 2024, is warranted.

WHEREFORE, the parties respectfully request that the Court enter an order extending the fact discovery deadline to January 15, 2024.

DATED: October 3, 2023

/s/ Eric M. Phillips

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